

**Ward & Ward, P.C.**

*Michael W. Ward*

*John F. Ward, Jr.  
of Counsel*

April 3, 2008

**By Electronic Filing**

**Ex Parte Presentation**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554

**Re: CC Docket No. 96-128, Illinois Public Telecommunications Association et al.,  
Petitions for Declaratory Ruling**

Dear Ms Dortch:

On April 1, 2008, Michael W. Ward, General Counsel for the Illinois Public Telecommunications Association, and Keith J. Roland, General Counsel for the Independent Payphone Association of New York, met with John W. Hunter, Special Counsel to Commissioner Robert M. McDowell, to discuss the Associations' respective positions already on file in their petitions for declaratory ruling in the above-captioned proceedings and the matters summarized in the following document, delivered by email on March 31, 2008.

Sincerely,



Michael W. Ward

Enclosure

Cc: John W. Hunter  
Keith J. Roland

# Section 276 Compliance FCC Docket 96-128

Michael W. Ward  
General Counsel

Illinois Public Telecommunications Association













# Summary

- IPTA Immediately Followed FCC Directives Regarding State Review of Rates For NST Compliance
- IPTA Established IL Bell Rates Not NST Compliant
- Federal Courts Have Found Basis of ICC NST Refund Denial Inconsistent With Federal Law and Policy
- Prior ICC Ruling Inconsistent With Federal Law and Policy Does Not Bar FCC Enforcement
- Law, Policy and Equity Demand FCC Enforce Prior Orders By Providing Refunds of Charges Exceeding NST Rates